

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6542

BILL NUMBER: SB 190

NOTE PREPARED: Feb 21, 2012

BILL AMENDED: Feb 21, 2012

SUBJECT: Denial of Parental Rights to Rapists.

FIRST AUTHOR: Sen. Charbonneau

FIRST SPONSOR: Rep. Kubacki

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (1) Allows a parent who is the victim of an act of rape from which a child was conceived to file a petition to terminate the child's parent-child relationship with the alleged perpetrator.
- (2) Requires a court to terminate the parent-child relationship if the court finds: (a) by clear and convincing evidence that the alleged perpetrator committed an act of rape against the parent who has filed the petition to terminate the parent-child relationship and that the child was conceived as a result of the act of rape; and (b) terminating the parent-child relationship would be in the best interest of the child.
- (3) Requires the Legislative Council to assign the Child Custody and Support Advisory Committee the task of reviewing and studying the termination of the parent-child relationship of an individual who committed an act of rape.

Effective Date: July 1, 2012.

Explanation of State Expenditures: (Revised) The bill requires the Legislative Council to assign the Child Custody and Support Advisory Committee to study the termination of the parent-child relationship in instances of rape. This study requirement is expected to result in no fiscal impact, assuming no additional meetings of the committee will be required.

Explanation of State Revenues: (Revised) *Court Fee Revenue:* This bill may increase the number of requests for termination of a parent-child relationship. To the extent requests increase as a result of this bill, additional revenue from civil court fees is expected.

If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: (Revised) The number of instances where a child was conceived and born as a result of the rape of the child's parent is unknown. Additionally, it is not known how many parents of children who are conceived as the result of rape will petition the court for termination of the parent-child relationship of the perpetrator.

Additionally, the bill allows a juvenile court to assign a GAL/CASA representative for a child who is named in a termination proceeding. This may increase the workload of GAL/CASA representatives to the extent they are assigned to at-risk youth. Actual increases in workload are indeterminable.

The Division of State Court Administration reports there are not enough GAL/CASA representatives to provide representation to youth in preventative programs even if the representation was at the option of the court. As of December 2011, there were approximately 2,000 children waiting for GAL/CASA representation. The average cost per child who receives GAL/CASA representation under the current system is approximately \$580 to \$800 annually. Actual increases in local expenditures are indeterminable.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Probate and juvenile courts; local GAL/CASA programs.

Information Sources: Leslie Rogers, Division of State Court Administration.

Fiscal Analyst: Bill Brumbach, 232-9559.